UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/47/271
15 June 1992
ENGLISH
ORIGINAL: SPANISH

Forty-seventh session
Item 39 of the preliminary list*

NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA

Letter dated 11 June 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

I have the honour to attach herewith a copy of the letter from the General Secretariat of the Latin American Parliament addressed to you a few days ago regarding the implementation of the decisions adopted by the Latin American Parliament on 2 August 1991 at its 13th Regular Assembly, meeting in Cartagena (A/46/193/Add.1) concerning the economic and trade blockade imposed on Cuba. I also attach herewith the text of the Agreement on Solidarity with Cuba adopted by the Permanent Committee on Health, Labour and Social Security of the Latin American Parliament on 27 March 1992, at a meeting held at Havana.

I request you to have this letter and its annex circulated as a document of the General Assembly.

(Signed) René MUJICA CANTELAR
Chargé d'affaires a.i.

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Annex

LETTER DATED 19 MAY 1992 FROM THE GENERAL SECRETARIAT OF THE LATIN AMERICAN PARLIAMENT ADDRESSED TO THE SECRETARY-GENERAL

The Executive Board of the Latin American Parliament, meeting from 13 to 15 June at Asunción, Paraguay, determined, unanimously, that all the agreements, decisions, recommendations and resolutions that have been adopted by bodies of the Parliament, but have not been put into effect, should be implemented. This task was entrusted to the General Secretariat.

Acting on a specific request, I wish to inform you that the 13th Regular Assembly of the Latin American Parliament, meeting at Cartagena from 31 July to 3 August 1991, adopted a resolution which in its operative part resolves:

"1. To express our solidarity with the people of Cuba, in the face of the serious economic situation that they are now facing;

"2. To ask for an end to the economic and trade blockade imposed on that island for 30 years."

From 24 to 27 March 1992, the Permanent Committee on Health, Labour and Social Security of the Latin American Parliament adopted an "Agreement on Solidarity with Cuba" (see appendix), in operative paragraph 3 of which the Permanent Committee agreed:

"To condemn the blockade against the Republic of Cuba and call for its cessation, and to urge the Latin American Parliament to make these demands both at the Organization of American States and at the United Nations".

In bringing to your attention these documents, which are attached herewith, we are motivated by concern about recent measures which further aggravate the conditions imposed on the people of Cuba by the economic blockade and the tragic consequences it entails.

For these reasons, we request you to consider, in the Organization you so worthily represent, the appropriate steps needed to analyse this demand.

Appendix

AGREEMENT ON SOLIDARITY WITH CUBA

The Permanent Committee on Health, Labour and Social Security of the Latin American Parliament, based at Havana, Cuba, meeting from 24 to 27 March 1992 and attended by 75 parliamentarians from Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, the Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, the Netherlands Antilles, Panama, Paraguay, Peru, Uruguay and Venezuela, considering:

1. That the international community recognizes, as basic principles of peaceful coexistence among States, the self-determination of peoples and non-intervention in their sovereign decisions,

2. That for 34 years the Cuban people has been undergoing a process of transformation in which the efforts of its workers have brought it considerable economic and social progress,

3. That the Republic of Cuba has achieved fundamental advances in living and health standards, as well as in social security, for its people, that malnutrition and illiteracy have been eradicated, and that the levels of life expectancy and of child and maternal mortality are equal to the best recorded in the developed countries, all of which sets an example for the majority of our nations,

4. That a criminal blockade against Cuba is being maintained and intensified, in disregard of international principles, aggravating the difficulties under which the Cuban people currently lives and further hampering the effort to maintain its economic and social achievements,

Agrees:

1. To congratulate the Government and people of the Republic of Cuba on their major achievements in the fields of health, labour and social security, encouraging them to persist in their efforts to promote development and social progress;

2. To express its appreciation to the Government and people of Cuba for their action in solidarity with our peoples and their commitment to Latin American integration;

3. To condemn the blockade against the Republic of Cuba and call for its cessation, and to urge the Latin American Parliament to make these demands both at the Organization of American States and at the United Nations.

Adopted at Havana on 27 March 1992.

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Letter dated 11 June 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

I have the honour to write to you in connection with the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" in order to transmit the following documents, which are annexed to this letter:

(a) A letter dated 27 April 1990 from the Delegation of the Commission of the European Communities addressed to the members of the United States Congress and the Delegation's démarche annexed to that letter concerning the bill known as the "Mack amendment", which would ban all trade with Cuba by subsidiaries of United States companies domiciled in third countries;

(b) A letter dated 7 February 1992 from the Delegation of the Commission of the European Communities addressed to the United States Senator Jack Garn on the same subject.

I request that you arrange for this letter and its annexes to be circulated as a document of the General Assembly.

(Signed) René MUJICA CANTELAR
Chargé d'affaires a.i.

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Annex I

LETTER DATED 27 APRIL 1990 FROM THE DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES ADDRESSED TO THE MEMBERS OF CONGRESS OF THE UNITED STATES OF AMERICA

[Original: English]

We are writing to you in connection with Bill S.2444, introduced in the Senate by Senator Mack and others and amending the Cuban Assets Control Regime.

Certain elements of that Bill, and of the similar language in the Smith Amendment to H.R. 4445 are objectionable to the European Community and its member States as a matter of principle and of policy. The Community and its member States also believe that several aspects of the bills have no basis in international law.

The objections of the Community and its member States have been stated more explicitly in a démarche which was presented to the United States Department of State on 18 April 1990. We attach a copy of that démarche for your information.

We would urge you not to pass the above legislation as this would be sure to lead to major trade conflict and political arguement between the United States and the European Community.

(Signed) Pádraic MACKERNAN
Ambassador of Ireland

(Signed) Andreas van AGT
Head of Delegation

Appendix

DEMARCHE

[Original: English]

The Delegation of the Commission of the European Communities and the Embassy of Ireland present their compliments to the Department of State and wish to refer to the Smith amendment incorporated in Bill HR 4445, entitled "The Emerging Democracies Act of 1990", as well as to similar language included in Bill S.2444 introduced in the Senate by Senator Mack and others.

The amendment and the Bill contain three objectional elements.

Two of these would inevitably lead to conflict and argument over the extraterritorial application of United States laws. The European Community and its member States have repeatedly expressed their concerns on extraterritorial requirements attached to United States foreign-policy measures. The amendment and the Bill would also have a significant impact on the trade interests of the Community and may create conflicting legal requirements for non-United States companies, to the extent that they may violate United States law while acting in perfect conformity with the law of the country in which they are incorporated.

As regards the proposed prohibition on certain transactions between subsidiaries of United States firms incorporated outside the United States and Cuba, the bills would have the effect of repealing Section 515.559 (Title 31) of the Code of Federal Regulations, which provides for the issue of licences to allow so-called United States-owned or controlled firms in third countries to do business with Cuba. The European Community would like to recall the démarche presented to the Department of State on 25 September 1989 in relation to the same Section (amendment 333 to the Senate version of the Foreign Relations Authorization Bill, repealing Section 515.559), since the Community is still of the view that the United States has no basis in international law to claim the right to license non-United States transactions with Cuba by companies incorporated outside the United States, whatever their ownership or control.

As regards the proposed seizure, forfeiture and sale by the United States of vessels which entered Cuban ports and subsequently United States ports, the European Community considers that this measure, which even in wartime would be an infringement of the international law on neutral shipping, is completely unacceptable in peacetime.

In addition, the amendment contains measures to withhold assistance from countries importing sugar from Cuba. The European Community considers this a measure with potentially damaging and disturbing effects on international relations for a number of third countries, including from the European Community and some of the States to which both the United States and the European Community and its member States give aid within the framework of the C-24 process.

The European Community and its member States therefore urge the Department of State to do all that it can to prevent the enactment of Bill HR 4445 in its current version and of Bill S.2444.

Annex II

LETTER DATED 7 FEBRUARY 1992 FROM THE DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES ADDRESSED TO SENATOR JACK GARN OF THE UNITED STATES OF AMERICA

[Original: English]

We are writing to you in connection with S.320 and HR.3489, Bills to reauthorize the Export Administration Act (EAA) of 1979.

The European Community and its member States continue to be very concerned about a provision contained in both House and Senate versions of the Bill (the "Mack amendment") which would have the effect of prohibiting United States-owned subsidiary companies domiciled outside the United States from trading with Cuba.

As was made clear in letters sent by the Embassy of the Netherlands and the Delegation of the Commission of the European Communities to Congress on 6 September 1991, such an extraterritorial extension of United States jurisdiction is unacceptable as a matter of law and policy to the European Community and its member States. Indeed, we consider the Mack amendment to be a measure with the potential to cause damaging effects to transatlantic relations in general and to bilateral European Community/United States trade relations in particular. This would be all the more regrettable in the light of the new climate of reinforced transatlantic cooperation.

Our concerns about the Mack amendment are such that some States members of the Community have decided to invoke their blocking statutes if this legislation comes into effect. This would have the result that United States companies would be subjected to conflicting requirements, a state of uncertainty which can only be damaging for trade. Measures such as the Mack amendment are also prompting debate within the Community about whether it would be desirable to have a blocking statute at Community level in order to defend the interests of companies lawfully established in Europe.

In the light of the above considerations, we would urge you to oppose this provision when it comes before the Conference on renewing the Export Administration Act.

(Signed) Andreas van AGT
Head of Delegation

(Signed) Francisco T. KNOPFLI
Ambassador of Portugal

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Distr.
GENERAL

A/47/273
15 June 1992
ENGLISH
ORIGINAL: SPANISH

Forty-seventh session
Item 39 of the preliminary list*

NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA

Letter dated 11 June 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

I have pleasure in writing to you in connection with the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" in order to transmit the note dated 7 April 1992 presented to the United States Department of State by the Delegation of the Commission of the European Communities and the Embassy of Portugal, a copy of which is annexed to this letter.

The note refers to the bill known as the "Cuban Democracy Act of 1992" which is under discussion in the United States Congress. As can be seen from even a cursory reading, this bill is completely unlawful and immoral because its aim is interference and it is at variance with the Charter of the United Nations and international law.

I request you to have this letter and its annex circulated as a document of the General Assembly.

(Signed) René MUJICA CANTELAR
Chargé d'affaires a.i.

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Annex

NOTE VERBALE DATED 7 APRIL 1992 FROM THE DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES AND THE EMBASSY OF PORTUGAL ADDRESSED TO THE DEPARTMENT OF STATE OF THE UNITED STATES OF AMERICA

[Original: English]

The Delegation of the Commission of the European Communities and the Embassy of Portugal present their compliments to the Department of State and wish to refer to HR. 4168, the Cuban Democracy Act of 1992, which was recently introduced in the House, by Representative Torricelli (D-NJ) and others.

The European Community and its member States are seriously concerned about Section 6 of the bill which would have the effect of prohibiting United States-owned or controlled subsidiary companies domiciled outside the United States from trading with Cuba.

As has been made clear to the Department of State on a number of occasions, most recently in a démarche of 21 October 1991, the European Community and its member States cannot accept the extraterritorial extention of United States jurisdiction as a matter of law and policy.

In addition, the European Community and its member States note with concern that the bill would introduce discriminatory tax penalties against United States companies with subsidiaries overseas which trade with Cuba, thereby providing a draconian economic disincentive against transactions which would be permitted in other jurisdictions.

The bill, if adopted, would also prohibit any vessel from engaging in trade with the United States if the vessel has entered a port in Cuba during the preceding 180 days. Such a measure would be in conflict with long-standing rules on comity and international law, would injure international shipping and would adversely affect the European Community's trade with the United States.

The European Community and its member States consider that these collective provisions have the potential to cause grave and damaging effects to bilateral European Community/United States trade relations. Furthermore, passage of these provisions would be totally inappropriate and inconsistent with the new climate of reinforced transatlantic cooperation.

The European Community and its member States request therefore that the Administration takes measures to prevent the bill from passing into law.

The Embassies of Sweden and Canada fully associate themselves with this démarche.

Washington, D.C.
7th April, 1992

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/47/274
16 June 1992

ORIGINAL: ENGLISH

Forty-seventh session
Item 69 of the preliminary list*

REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 12 June 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text, in English and French, of a statement of the European Community and its member States on Thailand, issued at Lisbon and Brussels on 9 June 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the forty-seventh session of the General Assembly under item 69 of the preliminary list.

(Signed) Fernando REINO
Permanent Representative

* A/47/50.

Annex

STATEMENT ISSUED AT LISBON AND BRUSSELS ON 9 JUNE 1992
BY THE EUROPEAN ECONOMIC COMMUNITY

[Original: English and French]

The European Community and its member States recall their statement of 20 May 1992 on the recent tragic events in Thailand and welcome the positive political developments which have been taking place, namely, the constitutional amendments scheduled for discussion in Parliament on 10 June 1992. The European Community and its member States remain concerned that a number of civilian demonstrators are still unaccounted for and urge the Thai authorities to take the appropriate steps to restore the confidence of the Thai people in their Government.

The European Community and its member States therefore hope that the future Thai Government will respect human rights fully and express the wish that efforts will be intensified towards a peaceful and democratic development in Thailand.

The European Community and its member States urge all parties concerned to refrain from taking actions that may jeopardize the ongoing democratic process and work together for a lasting peaceful solution. They express the hope that a resolution of the present political uncertainties will open the way for the development of closer and stronger links with a democratic Thailand, which will contribute positively to peace and stability in the region.

UNITED
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General Assembly Security Council

Distr.
GENERAL

A/47/275
S/24105
16 June 1992

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-seventh session
Item 69 of the preliminary list*
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-seventh year

Note verbale dated 15 June 1992 from the Ministry for Foreign Affairs of the Republic of Slovenia addressed to the Secretary-General

The Ministry for Foreign Affairs of the Republic of Slovenia presents its compliments to the Secretary-General of the United Nations and has the honour of transmitting the statement by the Government of the Republic of Slovenia (see annex) of 15 June 1992, with regard to the statement of the Government of the Federal Republic of Yugoslavia of 5 June 1992.

It would be greatly appreciated if this document could be distributed to the Member States as a document of the General Assembly, under item 69 of the preliminary list, and of the Security Council.

* A/47/50.

ANNEX

Statement issued on 15 June 1992 by the Government of the Republic of Slovenia

The Republic of Slovenia fully supports resolution 757 (1992) of the United Nations Security Council in all its aspects, including its tenth preambular paragraph, in which the Security Council noted "... that the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted". The Security Council refers to the Socialist Federal Republic of Yugoslavia as a former state. As explained in the letter of the Minister for Foreign Affairs of the Republic of Slovenia, Dr. Dimitrij Rupel, to the President of the United Nations General Assembly and to the President of the United Nations Security Council (A/47/234-S/24028) that former state has dissolved and has ceased to exist.

By expressing its view that the non-existing state called "Socialist Federal Republic of Yugoslavia" has no legal basis to continue its membership in the United Nations and other international organizations, the Republic of Slovenia does not interfere in the internal affairs of any State. It only wishes to put on record its opinion that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and other international organizations, an opinion shared by many other States.

The Republic of Slovenia is following with attention and great concern the development of the situation on the territory of former Yugoslavia. It fully endorses the efforts of the European Community, the Conference on Security and Cooperation in Europe (CSCE) and the United Nations to achieve a peaceful solution to the crisis on this territory, to restore peace on the territory of the former Socialist Federal Republic of Yugoslavia and to develop durable political solutions for the future in that area.